Sectt. H-27—20,006—16-11-40.

P.W.(I)(194) Department.

Ms SERIES.

G.O. No.	2812 2812
Dated	19.10.41

[Despatch Abstract.]

Ferries - South Kanara - Ferries bordering the Mangalore Municipality - management and apportionment of income between the municipal council and the District Board - G.O.No. 2154 P.W.(I), dated 11.10.40 - Reconsideration - Refused.

A2393

C.F. 30.

DEPARTMENT.

27 JUN 1941

1939

PUBLIC WORKS DEPT.

Received ..... 9 *Registered* .....

Subject.

Ferries - South Kanara - Ferries bordering the Mangalore Municipality - Apportionment of income between the Council and the District Board - Reconsideration - Requested.

ENCLOSURES.
No. One

Spare copies .....

Ref: No. C. A5/6913/41.

Station Mangalore, *Dated the* 19th June 1941.

From (Name) Sri M. Narayana Shenoy, B.A., B.L.,

(Designation) Commissioner, Mangalore Municipality, Mangalore.

To The Secretary to the Government of Madras,
PUBLIC WORKS DEPARTMENT,
Through Fort St. George, ~~Deputment~~.
The Vice-Chairman, Madras.
Municipal Council
-in-charge, Mangalore.

Sir,

In this office letter No.11908-A4-39, dated the 30th December 1939, Government were requested that either the management of the ferries at Bolar, Soloor, Kuloor, and Maravoor which are now under the control of the South Kanara District Board be transferred to this Council or half the net income derived from the ferries at Bolar and Soloor from 1936-37, and a ~~moiety~~ moiety of the income derived from the ferries at Kuloor and Maravoor be paid to the council; but Government in their Order No. MS. 2154, Public Works Department

dated the the 11th October 1940 declined to comply with the request of the Council mainly on the ground that the ferries ply across rivers outside the limits of the Mangalore Municipality. This order was placed before the Council which in its resolution No.3, dated the 2nd June 1941 (copy enclosed) resolved that Government be requested to reconsider the order. In submitting this Resolution, I may be permitted to state that one of the ferries - Boloor ferry which touches the boundary of the Municipality has no road on the other side of the ferry but the Council is maintaining a road on the southern side of the ferry up to the bank of the river at Boloor. The maintenance charge of this road which leads mainly to this ferry the lighting of this road and its conservancy charges are met exclusively by this Municipal Council while the entire proceeds of the ferry income goes to the District Board Funds which maintains no road. In regard to Bolar Ferry also the Municipal road leads up to the ferry.

There may be ancient Government order entrusting the ferries to the District Board and asking it to appropriate the entire proceeds and the District Board may be relying on these but in view of what is pointed out above, the policy may be revised and the proceeds of the sale of the 2 ferries may be ordered to be apportioned between the Board and the Council.

==========

Commissioner, M.M.

F o r w a r d e d:-

2. This matter has since been discussed with Mr.Rutherford, Advisor at an informal meeting of the members of the Municipal Council held this morning. Mr.Rutherford has been shown the ferry at Boloor where the District Board has no road in its jurisdiction leading to the ferry while the Municipal Council maintains a road which leads to the ferry. The ferry shed also, is in Municipal limits. This is a fit case, where whatever may have been the past deserves to be reconsidered in municipal interest and the council entrusted either with the management under Section 11 of the Canals and Public Ferries Act or given a moiety of the net

proceeds

A 3

=3=

OFFICE OF THE BOARD OF REVENUE
A-2393
3-JUL 1941
MADRAS

SECY.
3-JUL 1941

A5
14

proceeds. The President, District Board who is a member of the Council put forward the case on behalf of the Board. It appeared to me that the Advisor was inclined to consider the case of the Council favourably.

120

Municipal Office,
Mangalore, 23-6-'41

Vice-Chairman, M.C. in charge.

Compd:-

P.W.D

Endt: 1939 D/41-1 dt 2-7-41

Referred to the Board of Rev. for remarks

For Secretary to Govt.

28/6 28/6

To the Board of Rev

RDU:23-6-41-p

5 5

Extract from the Proceedings of the Mangalore Municipal council, dated the 2nd June 1 9 4 1.

Resolution No.3.

P 2749 (P) (P) pp Govt

Read G.O.No. MS. 2154 Public Works Department dated the 11th October 1940 declining to comply with the request of the Municipal Council, Mangalore, for apportionment of income from ferries between the Council and District Board.

Government to be requested to reconsider the order.

x x x

sd/L.C.Pais,
Vice-Chairman,M.C.

/True Copy/

Municipal Office, Mangalore, }
Dated the June 1941 }

Commissioner, M.M.

C o m p d:-

HDU: 23/6

13

C.F.

In reply, please quote number, date and short title.*

DEPARTMENT. D 2

Received 6-OCT-1941 *Registered* 2969

From (Name) Sri M. Narayana Shenoy, B. A., B. L.,

(Designation) Commissioner, Mangalore Municipality,

Post Box ....., (STATION) M a n g a l o r e.

Telegraphic Address.....

To The Secretary to the Government of Madras,
~~Local~~ Public Works Department, Fort St. George,
~~The~~/ M a d r a s,

Through ----------
The Chairman, Municipal Council, Mangalore.

A5/ *No* 6913--41, *dated* 30th Septr. *19* 41.

Sir,

ENCLOSURES.....

.....

.....

SPARE COPIES.....

* Subject: Ferries - South Kanara - Ferries bordering the Mangalore Municipality - Apportionment of income between the Council and District Board.

Reference:- This office letter No.A5-6913-41 dated the 19th June 1941.

In continuation of my letter noted above, I wish to submit that the Council confines its present claim to the proceeds from Bolar and Boloor ferries. The claim is based purely on equitable grounds as the ferries touch the Municipal limits, one end of each being in Municipal limits. That being so the local bodies on either side of the ferry must in equity share the proceeds as in the case of toll revenue. The reasons put forward are only incidental. In the case of the Boloor ferry, the District Board maintains no road at all on its side, while within municipal limits a road, which carries all the traffic from the ferry, is maintained and lighted at Municipal expense. In the case of the Bolar ferry there are roads on either side. The municipality may not have opened these roads solely for leading to the ferry and they may have been opened maintained and lighted independently of the ferries but it may be noted that at least in the case of the Boloor ferry the District Board does not have even a road leading to the ferry and yet gets the entire ferry proceeds.

8 2 14

SECY.
9-OCT 1941

BOARD OFFICE
-9 OCT 1941
A3987
MADRAS

In equity the proceeds from these two ferries ought to be apportioned and I request that Government may be pleased to apportion the proceeds.

Commissioner, M.M.

Forwarded:

B. Venkataraya Baliga
Chairman, M.C.

Compd: 8/10.41

Pw D:
Endt No. 1939D/41-3 dy 7.10.41
Forwarded to the Board of Rev with reference to their Endt No 1939D/41-1 dy 2-7-41

Sent in copy to the Bd of Rev

for Secretary to Govt.

To the Board of Rev

HDU:1/x/p

REVENUE DEPARTMENT.

SECRETARIAT D 3 -7 NOV 1941 3320 PUBLIC WORKS DEPT.

Subject.

Ferries (South Kanara) - Ferries bordering the Mangalore Municipality - Apportionment of income between the Municipal Council and the District Board - Reconsideration of orders - Unnecessary.

Rout. No. 5050

Station: Madras, Dated 4th November 1941.

From

S.Y. Krishnaswamy, Esq., I.C.S.,
Joint Secretary, Board of Revenue.

G.W. Priestley, Esq., I.C.S.,
Commissioner of Land Revenue and Irrigation.

...

READ:

I

Government Endorsement No. 1939/D/41.1, Public Works Department dated 2nd July 1941.

II

Letter from M.V. Subramanyan, Esq., I.C.S., Collector of South Kanara, D.Dis. No. 4797/41 dated 4th October 1941.

...

Sub: Ferries - (South Kanara) - Mangalore Taluk - Ferries bordering the Mangalore Municipality - Apportionment of income between the Council and District Board - Reconsideration of order - Report submitted.

...

Ref: 1. Board's Ref. A.2393/41.1 dated 9.7.41.
2. This office D.Dis. 1048/40 dated 13.8.1940.
3. G.O. Ms. 2154, P.W. dated 11.10.1941.

...

The Mangalore Municipal Council has not cited any new points or grounds in its present reference. The request in the reference and the Council's resolution is for the consideration of the orders passed in G.O.No. Ms. 2154, Public Works, dated 11.10.1940 on the question of apportionment of the income of the four ferries; but in para 2 of the letter, the Commissioner requests for the apportionment of the income of only two ferries - viz., Bolar and Boloor which lie on the immediate borders of the Municipality. The other two ferries, viz., Kulur and Maravoor lie at a distance of 2½ and 3½ miles respectively from the Municipal limits. The request in regard to these two latter ferries is obviously untenable. The case is now obviously about only the Bolar and Boloor ferries and I have dealt with it accordingly.

2. The essential point is whether the Municipal Roads leading to the ferries are roads maintained exclusively or mainly in connexion with the ferries or just ordinary roads in those municipal areas which incidentally lead to the ferries. The Revenue Divisional Officer, Mangalore, has reported that the road leading to the Boloor ferry named as the Sultan Battery road and maintained by the Municipality only incidentally leads to the ferry and serves as approach

to

to it and that there is no road on the other side of the ferry maintained either by the District Board or any other local body.

3. I have inspected the road leading to the Bolar ferry in respect of which the Revenue Divisional Officer reported that it was a road leading exclusively to the ferry - there being thus a difference of opinion between him and the President, District Board. The President, District Board, South Kanara and the Commissioner, Mangalore Municipality, were present during the inspection. The locality is an old built up area and I consider that the road leading to the ferry must be taken as a road formed primarily by the Municipality to serve the needs of that area and only incidentally leading down to a ferry. On the other side of the ferry there is the Ullal road maintained by the District Board.

4. In the above circumstances, I do not think there is any need to reconsider the order already passed.

5. The enclosures received with the Board's reference under reply and a copy of the South Kanara District Board President's remarks in the matter are enclosed.

III.

Government Endorsement No. 1939.D/41.3, Public Works dated 7-10-1941. pg ante

...

Resolution:

Submitted to the Government.

2. The Board agrees with the President, District Board and the Collector, and considers that there is no need to reconsider the orders already passed.

for Joint Secretary. 6.11.41

To the Secretary to Government, Public Works Department
with two letters of the Commissioner, Mangalore Municipality in original.

S.A. 6.11. WRK-SO 6.11.41

...

Copy of letter R.Dis. 17906-41-C2 dated 8.9.41 from the President, District Board, South Kanara to the Collector of South Kanara.

...

Ferries - South Kanara District - Ferries bordering the Mangalore Municipality - Apportionment of income - Views of the District Board - Furnished.

...

Your Ref. B4. No. 4797/41 dated 17.7.1941.

The

The question of apportionment of the income derived by the District Board on account of the lease of Bolar and Boloor ferries between the Municipal Council and the District Board was discussed by the Board at its meeting held on 1.9.1941. In the Commissioner's letter C.No. 6913-41, dated 19.6.41, the request made in his previous letter dated 30-12-1939 for some reasonable share of the proceeds from Kuloor and Markada ferries has been deleted and the reasons for such omission have not been furnished. The Board considers that the Council cannot have any claim in respect of the proceeds realised by the District Board at Kuloor and Markada ferries, as these ferries are far away from Municipal limits.

2. As regards Bolar and Boloor ferries, no fresh reasons have been put forward by the Council for claiming the moiety of the income derived by the District Board. The roads referred to by the Commissioner were not constructed for the exclusive benefit of the people using the ferries and the Municipality maintains these roads for the safety and convenience of the residents living in Municipal area.

3. In view of the reasons stated in this office R.Dis. 10068/C2.40 dated 25.7.1940 and in the absence of

any

12

any fresh grounds for claiming the apportionment of the income of the Bolar and Boloor ferries between the Council and the District Board, the District Board is not in favour of the reconsideration by the Government of their orders No. Ms. 2154 P.W. dated 11.10.1940.

(P) pp 9-12

4. A copy of District Board Resolution No. 84, dated 1.9.41 is enclosed for perusal. I request that the request of the Municipal Council may be refused.

Extract from the proceedings of the meeting of the members of the South Kanara District Board dated 1.9.41.

...

x x x

84. READ Collector's Ref.B4.4797-41 dated 17.7.1941 requesting to be furnished with remarks on the proposal of the Commissioner, Mangalore Municipality, for the reconsideration of the orders issued in G.O.No. Ms. 2154, P.W. dated 11-10-1940 wherein the request of the Mangalore Municipal Council for apportionment of income from the ferries bordering the Mangalore Municipality between the Council and the District Board was not complied with by Government.

(P) pp 13-20

RESOLUTION: The Board sees no tangible grounds for a reconsideration of the matter. The President will offer his remarks in the light of the discussions held in the meeting opposing the reconsideration.

Sd. A.Laxminarayana Rao,
Vice President, Dt. Board in charge.

WRK-SO 6.11.41

Reminder No.I.

13

C.F. 32 (a).

SECRETARY TO GOVT. 10 NOV 1941

Department

Received Registered

From (Name) Sri M. Narayana Shenoy, B. A., B. L.

Designation Commissioner,

Station Mangalore Municipality, Mangalore.

To The Secretary to the Government of Madras, Public Works Department, Fort St.George, Madras,

Through - The Chairman, Municipal Council, Mangalore.

Enclosures:

No. A5.6913/41. dated 30th October 1941.

Sir.

Ferries - South Kanara - Ferries bordering the Mangalore Municipality - Apportionment of income between the council and District Board - requested.

Ref:This office letter C.No.A5.6913/41,dated the 30th September 1941.

I request early orders may be passed on the above reference.

Commissioner, M.M.

F o r w a r d e d:

Chairman, M.C.

H/3.11.41.p

15.

Extract from note containing points discussed with H.E.'s Adviser 3 on behalf of Mangalore municipal council.

...

× × ×

Ferries - Council Vs. District Board.

*

18780
4-7-41

5. There are 2 ferries Boloor and Bolar. Of these the road leading to the Boloor Ferry is entirely within the municipal limits and within the District Board area there is no road leading to the ferry. Hence there is nothing for the District Board to spend towards the roads close to the ferries while the municipal council has got to maintain the roads within the municipal limits leading to the ferry.

K

With regard to the Bolar Ferry there are roads on either side of the river. The roads on the northern side are maintained by the municipal council and those on the southern side by the District Board. Hence it is but just that the council should get a portion of the income from this ferry. It may be the District Board may rely on some ancient G.O. giving them the right to entire collection, but this G.O. if there is one must be modified.

× × × ---

Hy. A.3'30 Minute

× ×

(5) The District Board President is a member of the Council. There was some discussion about the ferry at Sultan Battery to which point the municipal roads converge. As the President of the District Board quite rightly pointed out, the Council will have to maintain these roads in any case. Logically perhaps the council should get half the lease amount but I see no strong grounds for interfering with the arrangement, which has long been in force, against

Boloor ferry - Kodi
paragraph no. 2 1st (P) in Lucky file.
1.10.40

A

the recommendations of the Collector and the Board of Revenue. As regards other ferries, I refused to discuss.

× × ×

T.G.R
23.6.41

Y.A.D

There is no question pending with the Govt ~~on the~~ re 'A' at plank in view of His Highness decision not to interfere in the matter. No further action is called for. This may be lodged after perusal by Govt

SA
8/7/41

Lodged
10/7.

Perused

AG/8/7.

Ajo 10/7

Ltrs 18780-1A2
10.7.41

at page (P) in Circular file

Pov D

Please see Go. No. 215-6 Pov. (I) dt. 11.10.40. wherein the Govt rejected the request of the Mangalore Municipal Council for transfer to it the management & of certain ferries including the Bolar and Bolow ferries referred to above or in the alternative for apportionment of the income derived from the said ferries between the Council and the Dt Board. In a letter dated 19.6.41 the Commissioner, Mangalore

× Vide Kan plank

Sent to Board of Revenue

SECRETARIAT
D
11 JUL 1941
2083

17

A.V

Municipality has requested reconsideration of our orders in that go. This letter has been referred to the Board of Rev for remarks — Endt No. 1939 D/41-1 dy 2.7.41. The Board's reply is awaited.

B

Entry made in the right hand Index - Copy not kept.

Extracts from this file may be taken and added to the Lists file. This file may be returned to L.A.D. may be requested to transfer this file to this dept (to be added to the above files).

TPS 14/7

14/7

A

L.A.D.

14/7

P.W. no 2083 D/41-1
15.7.41

L.A.D.

Please see the remarks of the D.W.D. at P/2 of this note. In the circumstances As suggested by them this file may be transferred to them insofar as it relates to Survey No 211

PWD

16/7/41

16 JUL 1941

SECRETARY TO GOVERNMENT LOCAL ADMINISTRATION DEPT.

D 2982
29 JUL 1941
2186

Will be added to the file referred to at B above

TPS 21/7

21/7

L.A. no 18780-2 L
21.7.41

18 E

CM · 1939D/41 : From the Commr., Mangalore pp 1-2 CF

Municipality No. Ref. C.A5/ 6913/41 dt 19.6.41
Endt to the Board of Rev No. 1939D/41-A dt 2-7-41 p 3 CF
the Commr., Mangalore Municipality pp 7-8 CF

No. A5/ 6913-41 dt 30.9.41.

Endt to the Board of Rev No. 1939D/41-3 dt 7.10.41 p 8 CF

From the Board of Rev No. Rent 5050-8/41-II-41 pp 9-12 CF

From the Commr., Mangalore Municipality p 13 CF

No. A5: 6913/41 dt 30.10.41

To U.S.

The Board of Rev has ~~reported~~ p 10 CF
that there is no need to reconsider
the orders passed in Go. No. 2154 Rev dt (P) pp 19-20
11.10.41. The Mal. Commr. may be ~~informed~~ ~~that~~ ~~Govt see no strong grounds for a~~ ~~reconsideration of the orders~~ ~~draft order is submitted~~ L.A.D
may see before issue

See also/Amt. p 13 ante.

DPS 11/11 Rev 12/11 — 12/11

L.A.D

Rev. no 1939D/41-4. 12-11-41

L.A. Dept (E.)

please see portion marked A to A III is minuted at page 1 above. The case may be perused and returned to the P.W. dept. no

SECRETARIAT TO GOVERNMENT SA 13 NOV 1941 LOCAL ADMINISTRATION DEPT.

33185

Rev 14.11 14/11

Rev 16/11

Rev D

Rev 17.11.41

Rev 33185-IC 17.11.41

Rev 17/11

SECRETARIAT TO GOVERNMENT D 18 NOV 1941 3436 PUBLIC WORKS DEPT.

P.W.D.

May issue
Rev 18/11

C.F. 16.

DRAFT FOR APPROVAL.

12/19/11

Date. Initials.

When received for fair copying ..

When copied ..

When examined.. PWD 19/11

When signed ..

When despatched.

SUBJECT :— P.W.D (E)

Ferries - S. Kanara - Ferries bordering the Mangalore municipality - management and apportionment of income between the M. Council and the Dt. Board - ~~Boards~~ Govt. Recommendations ~~Rejected~~

READ AGAIN ..... , dated No. 2154 PW.(E)/39 11-10-40 19..

" " Govt. No. 2154 PW(E) " 11-10- 1940 (P) pp 12-23

READ ALSO :—

No. 1939 D/41 From the Commr., Mangalore Municipality, No. C.A3 6913/41 dated 19-6-1941 pp 1-34

" 2969 D/41 " ——do—— " C.A3 6913/41 " 30-9-1941 pp 7-8 cf

" 3320 D/41 " Board of Rev " Rem. 5050 " 4-11-1941 pp 9-11 cf

Order ~~Resolution~~ Ms. No. 2812, dated 19—11— 1941

The Govt see no strong grounds for a ~~disturbing with the existing~~ arrangement ~~reconsideration~~ of the orders in G.O. No 2154 PW Dt 11.10.40

To the Commr., Mangalore Municipality

Thro' the C.M.C. 19.11 10

P.D.B., South Kanara

Board of Rev

Collector of S. Kanara

L.A. Dept 20/11/41

12/11 14/11

C.F. 32 (a).

.....Department

From (Name)

Designation Sri M. Narayana Shenoy, B. A., B. L.,

Station Commissioner,
Mangalore Municipality,
Mangalore.

ASST. SECRETARY TO GOVT. D 125 12 JAN 1942 PUBLIC WORKS DEPT.

Received ..... Registered .....

To The Secretary to the Government of
The Madras, Public works Department,
Fort St. George, Madras,
Through the Chairman, Municipal
Council, Mangalore,

Enclosures:

Ref: C No. A5. 37/42 dated 2nd January 1942.

Sir,

Ferries -- South Kanara -- Apportionment of income between the council and the District Board -- Reconsideration in respect of Boloor Ferry -- Requested.

I am to submit a copy of the council Resolution No.2 dated the 17th December 1941 requesting the Government to reconsider the order in their G.O.No. Ms. 2812 dated the 19th November 1941 at least in respect of Boloor Ferry.

Commissioner, M.M.

Forwarded:

Chairman, M.C.

H/6.1

DESPATCHED - 8 JAN 1942

Extract from the Proceedings of the Mangalore Municipal Council. dated the 17th December 1 9 4 1.

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x x

2. Read G.O.No. MS.-2812, dated the 19th November 1941--Ferries--South Kanara--Ferries bordering the Mangalore Municipality management and apportionment of income between the Municipal Council and the District Board - G.O. No. 2154 P.W. dated the 11th October 1940 - Re-consideration -- Refused.

(P.)

The Council requests the Government to reconsider the order at least in respect of Boloor ferry.

x

sd/ B. Venkatarao Baliga,
Chairman, M.C.

/ True Extract /

Municipal Office, Mangalore,)
Dated the 2nd January 1942.)

Commissioner. M.M.

Compd:

4

E

Memo no. 126 D/42-2 dt 29-1-42

Ferries - South Kanara - Ferries bordering the Mangalore Municipality - Boloor ferry - Apportionment of income between the mnl. council and Dt. Board

Ref. Letter from the Commissr Mangalore Municipality No. Ref. C. A.S. 37/42 dt 2-1-42.

The Govt see no reason to accept the proposal of the Mangalore Municipal Council ~~[illegible]~~ Bolaar ferry

To the Commr., Mangalore Municipality thro' the C.T.C

Note Please see para 2 of the Collector's letter at Pr 9-0 of GO No. 2812 Pub dt 19-11-41 and H3's minute at A on p 15 of that GO. The mnl. council has not placed new any new facts for a reconsideration of the orders in GO No. 2812 Pub. dt 19-11-41. The above reply may be sent to the Commr with the concurrence of L.A.D

ASST. SECRETARY TO GOVERNMENT D3 27 JAN 1942 311 PUBLIC WORKS DEPT.

Pr. No. 126 D/42-1 16-1-42

L. Asst (E), D

please see previous note at p 18 of GO. no 2812 PW dt 19.11.41. The draft above may be accepted in this dept and the file returned to PW dept

LOCAL ADMINISTRATION DEPT. SA 17 JAN 1942 SECRETARIAT, MADRAS

May issue. PWD

PWD - 1746 Issue 1746-1E